



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 23 2010

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Aric J. Metevia, Plant Manager
Marysville Ethanol, LLC
2510 Busha Highway
Marysville, Michigan 48040

Dear Mr. Metevia:

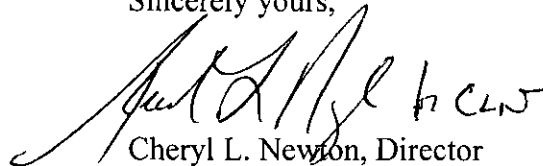
The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) in accordance with Section 113(a) of the Clean Air Act (Act), 42 U.S.C. § 7413(a), to Marysville Ethanol, LLC (Marysville Ethanol). EPA has determined that Marysville Ethanol is violating the Michigan State Implementation Plan at its facility at 2510 Busha Highway, Marysville, Michigan (the facility).

Section 113 of the Act gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Manojkumar P. Patel. You may call him at (312)353-3565 if you wish to request a conference. EPA hopes that this NOV will encourage Marysville Ethanol's compliance with the requirements of the Clean Air Act.

Sincerely yours,



Cheryl L. Newton, Director
Air and Radiation Division

Enclosure

cc: Teresa Seidel, Air Quality Division Supervisor
Southeast Michigan District

Tom Hess, Enforcement Unit Chief

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Marysville Ethanol, LLC)	NOTICE OF VIOLATION
Marysville, Michigan 48040)	
)	EPA-5-10-MI-14
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <i>et seq.</i>)	
)	

NOTICE OF VIOLATION

This Notice of Violation (NOV) is issued to Marysville Ethanol, LLC (Marysville Ethanol) for violations of the Clean Air Act (Act), 42 U.S.C. §§ 7401 *et seq.*, at its ethanol manufacturing facility at 2510 Busha Highway, Marysville, Michigan.

This NOV is issued pursuant to Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1). The authority to issue this NOV has been delegated to the Regional Administrator of EPA, Region 5, and redelegated to the Director, Air and Radiation Division.

A. STATUTORY AND REGULATORY BACKGROUND

1. On May 6, 1980, the EPA approved R336.1201 (Permits to Install) and R336.1208 (Permits to Operate) as part of the federally enforceable Michigan State Implementation Plan (SIP); the rules became effective on that same date. 45 Fed. Reg. 29790.
2. The federally enforceable Michigan SIP at R336.1201 provides, in relevant part: "A person shall not install, construct, reconstruct, relocate, or alter any process, fuel-burning equipment, or control equipment pertaining thereto, which may be a source of an air contaminant, until a permit is issued... This shall be known as a permit to install and shall cover construction, reconstruction, relocation, and alteration of equipment where such is involved."
3. The federally enforceable Michigan SIP at R336.1208 provides, in relevant part: "The permit to operate continues in effect as long as the equipment performs in accordance with the conditions upon which the permit is issued."
4. 40 C.F.R. § 52.23 provides, among other things, that a person who fails to comply with any permit condition issued in accordance with a SIP-approved installation permit or with any approved regulatory provision of a SIP is in violation of and subject to an enforcement action under Section 113 of the Act.

B. FACTUAL BACKGROUND

5. Marysville Ethanol is a Michigan corporation, authorized to do business in the State of Michigan.
6. Marysville Ethanol owns and operates an ethanol manufacturing facility at 2510 Busha Highway, Marysville, Michigan (the facility).
7. The facility includes a recuperative thermal oxidizer (RTO) with a heat recovery steam generator (Emission Unit# EU-RTOA&HRSG) and distiller's grain with solubles (DDGS) cooling baghouse C70 (Emission Unit #EU-DDGSCOOLINGA).
8. On July 12, 2007, the Michigan Department of Environmental Quality (MDEQ) issued to Marysville Ethanol a Permit to Install (PTI) with conditions, PTI #175-05B.
9. Marysville Ethanol's PTI #175-05B establishes the following permit conditions:
 - (a) The RTOA&HRSG Emission Unit (Emission Limit 12.1d, FG-RTOA) shall not emit more than 10.75 pounds of nitrogen oxides (NO_x) per hour;
 - (b) The EU-COOLINGA Emission Unit (Emission Limit 2.1a, EU-DDGSCOOLINGA, Cooling Baghouse C70) shall not emit more than 1.20 pounds of particulate matter particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers, or PM₁₀) per hour;
 - (c) Marysville Ethanol shall not operate FG-RTOA when the combustion temperature of EU-RTOA&HRSGA is less than 1400 °F, or 50 °F below the average combustion chamber temperature at which the VOC emissions limit was met during the most recent compliance test, whichever is higher. (Emission Limit 12.7, FG-RTOA). Temperature data recording shall consist of measurements made at equally spaced intervals, not to exceed 15 minutes per interval.
10. On or about March 17, 2010, EPA inspected the facility. During the inspection, EPA requested copies of stack tests performed by Marysville Ethanol in 2008, records of hourly NO_x from the RTOA&HRSG, and records of RTOA combustion chamber temperatures.
11. On or about April 12, 2010, Marysville Ethanol submitted the information requested during the March 17, 2010 EPA inspection.
12. The information provided by Marysville Ethanol included a stack test performed on its DDGSCOOLING Baghouse C70 on January 31, 2010. The results of that test indicated that Marysville Ethanol was emitting PM₁₀ at the rate of 10.99 pounds per hour.
13. There is a predictive emissions monitoring system (PEMS) at the facility that records information, including but not limited to, average hourly NO_x emissions from the RTO in units of lb NO_x per MMBtu, and hourly natural gas flow rate in units of mmBtu.

14. Based upon calculations performed by EPA using the hourly NO_x emissions in lb/MMBtu and hourly natural gas flow in MMBtu recorded by the PEMS, EPA has determined that Marysville Ethanol exceeded its permitted limit of 10.75 pounds NO_x per hour from December 3, 2009 through April 1, 2010 at the EU-RTO&HRSGA emission unit.
15. Based upon the RTO combustion chamber temperature records submitted by Marysville Ethanol, EPA has determined that Marysville Ethanol operated the RTO from January 4, 2008 through March 12, 2010, below the required minimum temperature of 1436 °F.

C. VIOLATIONS

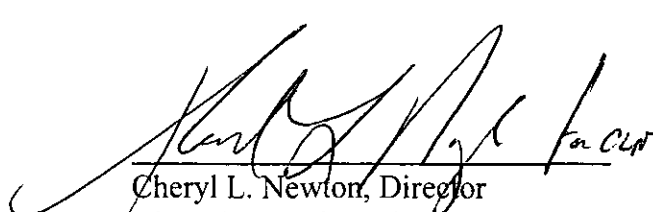
16. Marysville Ethanol has exceeded the emission limit specified in PTI #175-05B, Emission Limit 12.1d, FG-RTOA, NO_x emissions limit of 10.75 pounds per hour, which violates Michigan Administrative Code R336.1201 and R336.1208, and 40 C.F.R. § 52.23.
17. Marysville Ethanol has exceeded the emission limit specified in PTI #175-05B, Emission Limit 2.1a, EU-DDGSCOOLINGA, Cooling Baghouse C70, PM₁₀ emission limit of 1.20 pounds per hour, which violates the Michigan Administrative Code R336.1201 and R336.1208, and 40 C.F.R. § 52.23.
18. Marysville Ethanol's operation off FG-RTOA when the combustion temperature of EU-RTO&HRSGA was below 1436 °F, Emission Limit 12.7, FG-RTOA violates Michigan Administrative Code R336.1201 and R336.1208, and 40 C.F.R. § 52.23.

D. ENVIRONMENTAL IMPACT OF VIOLATIONS

19. Nitrogen oxides cause formation of acid rain and ground level ozone, which could cause respiratory inflammation and damage plant life.
20. The effects of inhaling particulate matter have been widely studied in humans and animals and include asthma, lung cancer, cardiovascular issues, and premature death. Particulate matter smaller than 10 micrometers, referred to as PM₁₀, can settle in the bronchi and lungs and cause health problems.

9/23/2010

Date


Cheryl L. Newton, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Notice of Violation, No. EPA-5-10-MI-14, by Certified Mail, Return Receipt Requested, to:

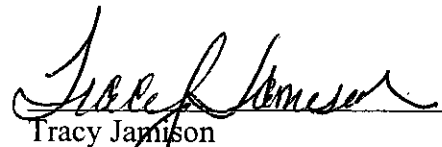
Aric J. Metevia, Plant Manager
Marysville Ethanol, LLC
2510 Busha Highway
Marysville, Michigan 48040

I also certify that I sent copies of the Notice of Violation by first class mail to:

Teresa Seidel, Air Quality Division Supervisor
Southeast Michigan District
Michigan Department of Natural Resources & Environment
27700 Donald Court
Warren, Michigan 48092

Tom Hess, Enforcement Unit Chief
Air Quality Division
Michigan Department of Natural Resources & Environment
P.O. Box 30242
Lansing, Michigan 48909

on the 23 day of Sept., 2010.



Tracy Jamison
Office Automation Assistant
AECAS (MI/WI)
(312) 353-5723

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 4386